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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-323

11 **FREDELYN ACEBEDO OANDASAN**
38631 Mesquite Road
12 Palmdale, CA 93551

A C C U S A T I O N

13 Registered Nurse License No. 676169

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
20 Department of Consumer Affairs, State of California.

21 2. On or about March 21, 2006, the Board issued Registered Nurse License
22 Number 676169 to Fredelyn Acebedo Oandasan (Respondent). The Registered Nurse License
23 was in full force and effect at all times relevant to the charges brought herein and has expired on
24 February 29, 2008.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

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1 “Nothing in this section shall preclude prosecution under the authority provided
2 for in any other provision of law.

3 “In addition to any other penalties, a person found guilty of violating this section,
4 shall be liable for the actual damages sustained by the agency administering the examination not
5 to exceed ten thousand dollars (\$10,000) and the costs of litigation.

6 “(c) If any provision of this section or the application thereof to any person or
7 circumstances is held invalid, that invalidity shall not affect other provisions or applications of
8 the section that can be given effect without the invalid provision or application, and to this end
9 the provisions of this section are severable.”

10 8. Section 2761 of the Code states:

11 “The board may take disciplinary action against a certified or licensed nurse or
12 deny an application for a certificate or license for any of the following:

13 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

14

15 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
16 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
17 Nursing Practice Act] or regulations adopted pursuant to it.”

18 9. California Code of Regulations, title 16, section 1411.6 provides:

19 “An applicant who takes the examination shall not disclose the contents of the
20 written examination questions to anyone other than a person authorized by the Board. No one
21 except as authorized by the Board shall solicit, accept, or compile information regarding the
22 contents of written examination questions, either before, during or after the administration of any
23 examination.”

24 **COST RECOVERY PROVISION**

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
26 request the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

1 **NCSBN/NCLEX**

2 11. The National Council of State Boards of Nursing (NCSBN) develops and
3 administers the NCLEX-RN examinations on behalf of the nursing boards in the 50 states, the
4 District of Columbia, and four U.S. territories. Every registered nurse must pass the NCLEX
5 examination before s/he can be licensed to practice. NCSBN copyrights the NCLEX-RN
6 examination items. Retired items are not released to the public. Before the commencement of
7 an NCLEX-RN examination, each candidate must sign a confidentiality agreement.

8 **GLOBAL NCLEX REVIEW CENTER**

9 12. From about 2004 to the present, Thelma Macabeo owns and/or otherwise
10 operates Global NCLEX Review Center (Global), located at 3255 Wilshire Boulevard, Los
11 Angeles, CA 90010. Global offers review courses to candidates who qualify to take the Board's
12 licensure examination. As part of the review course, students enrolled at Global are provided
13 with test booklets which contain sample test questions and answers.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Subverting Licensing Examination)**

16 13. Respondent's license is subject to disciplinary action under Code sections
17 496 and 123, in that Respondent engaged in acts which subverted the Board's licensure
18 examination. The circumstances are as follows:

19 14. On or about May 19, 2004, October 7, 2004 and June 3, 2005 took the
20 Board's licensure examination and did not pass. On or about December 27, 2005, Respondent
21 took and passed the Board's licensure examination at test center PPC 46974 (Gardena, CA).
22 Respondent provided test questions from the previous Board's licensure examination to Thelma
23 Macabeo and aided Thelma Macabeo in the unauthorized compilation, reconstruction, and/or
24 reproduction of a portion of the actual licensure examination.

25 15. These portions of illegally obtained Board licensure examination
26 questions were compiled, reconstructed and reproduced in the 2006 version of Global's test
27 booklets and distributed to the students of Global for preparation of the upcoming Board
28 licensure examinations.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violating Regulations Governing Examination Disclosure)**

3 16. Respondent's license is subject to disciplinary action under Code section
4 2761, subdivision (d), in conjunction with California Code of Regulations, title 16, section
5 1411.6, for disclosing the contents of the Board's written examination questions without
6 authorization. The circumstances are as described in paragraphs 13-15 above, and incorporated
7 herein by reference as if fully stated.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**


10 17. Respondent's license is subject to disciplinary action under Code section
11 2761, subdivision (a) for unprofessional conduct, in that Respondent breached the confidentiality
12 of the Board's licensure examination by disclosing questions from the examination without
13 authorization. The circumstances are as described in paragraphs 13-16 above, and incorporated
14 herein by reference as if fully stated.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 676169 ,
19 issued to Fredelyn Acebedo Oandasan;
- 20 2. Ordering Fredelyn Acebedo Oandasan to pay the Board of Registered
21 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
22 Business and Professions Code section 125.3;
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 5/20/08

25 
26 RUTH ANN TERRY, M.P.H, R.N.
27 Executive Officer
28 Board of Registered Nursing
State of California
Complainant